

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

IN RE:

AXA EQUITABLE LIFE INSURANCE
COMPANY COI LITIGATION

[This document relates to *Brach Family Found, Inc., et al. v. AXA Equitable Life Ins. Co.*, No. 16 Civ. 740 (JMF)]

ECF CASE

No. 1:16-cv-00740 (JMF)

FILED UNDER SEAL

**~~PROPOSED~~ ORDER GRANTING CLASS COUNSEL'S
MOTION TO AUTHORIZE ADDITIONAL STEPS TO
ALLOCATE CLASS ACTION SETTLEMENT FUNDS**

WHEREAS, the Court has reviewed Class Counsel's Motion to Authorize Additional Steps to Allocate Class Action Settlement Funds, as well as the accompanying declaration, and has found good cause for entering the following Order.

NOW, THEREFORE, IT IS HEREBY ORDERED THAT:

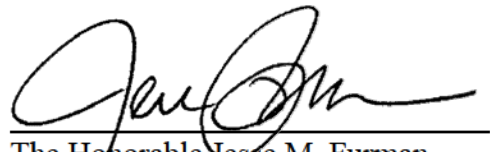
1. For Final Class Policies in the Contract Class or the Illustration Class registered to two or more owners as reflected in AXA's records, JND shall distribute settlement funds *pro rata* among those owners as follows:
 - a. If, for a particular Contract Class policy, there are two (2) or more Contract Class Members as reflected in AXA's records as the most recent registered owners of a policy, then the *pro rata* share of the Net Settlement Fund shall be divided equally among each of those Contract Class Members for that policy.
 - b. If, for a particular Illustration Class policy, there are two (2) or more Illustration Class Members as reflected in AXA's records as the registered owners of a policy

as of October 1, 2015, then the *pro rata* share of the Net Settlement Fund shall be divided equally among each of those Illustration Class Members for that policy.¹

2. For the 29 Final Class Policies in the Contract Class registered to Wells Fargo as securities intermediary, where the policy is lapsed or matured and Wells Fargo has informed Class Counsel that Wells Fargo no longer maintains an open customer account for the policy, JND shall reissue Contract Class settlement checks to the last-known beneficial owner, as reflected in Wells Fargo's records provided to Class Counsel on March 20, 2024.
3. For the 14 Final Class Policies in the Illustration Class owned as of October 1, 2015 by entities that are now dissolved or being liquidated, JND shall reissue Illustration Class settlement checks to the most recent registered owner, as reflected in AXA's records.
4. For the 11 Final Class Policies in the Illustration Class owned as of October 1, 2015 by [REDACTED] or [REDACTED], JND shall reissue Illustration Class settlement checks to the most recent registered owner, as reflected in AXA's records, as requested by [REDACTED] and [REDACTED].
5. Policy No. 156207908 is a Final Class Policy in the Contract Class and is entitled to participate in all terms of the Settlement. JND shall issue a Contract Class settlement check in the appropriate *pro rata* share of the Net Settlement Fund to the policy's registered owner.

DATED: June 3, 2024

The Clerk is directed to terminate ECF No. 743.


The Honorable Jesse M. Furman
United States District Judge

¹ Paragraph 6(c) of the Plan of Allocation already provides for *pro rata* allocation among multiple Substituted Illustration Class Members for a particular Class Policy.